

Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER P26359
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/516,317 ✓
INTERNATIONAL APPLICATION NO. PCT/JP03/07336	INTERNATIONAL FILING DATE June 10, 2003	PRIORITY DATE CLAIMED June 10, 2002	
TITLE OF INVENTION CHROMOPROTEIN			
APPLICANT(S) FOR DO/EO/US Atsushi MIYAWAKI and Satoshi KARASAWA			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

- ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below.
- ☐ The US has been elected (PCT Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154 (d) (4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☐ have not been made and will not be made.
- ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).  
"EXECUTED"
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 16 below concern other document(s) or information included:**

- Assignee: RIKEN of Saitama, Japan and Medical & Biological Laboratories Co., Ltd of Aichi, Japan
- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A FIRST preliminary amendment.  
☒ A SECOND or SUBSEQUENT preliminary amendment.
- ☐ An Application Data Sheet under 37 C.F.R. 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ Figure of Drawing to be published:
- ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.  
w/ paper copy/written of the same.
- ☐ A second copy of the published international application under 35 U.S.C. 154 (d) (4).
- ☐ A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).
- ☒ Other items or information:  
Cover Letter.  
Response to Notification of Missing Requirements and Supplemental Preliminary Amendment.  
Statement that the Content of Paper and Computer Readable Copies are the Same.  
Copy of Notification of Missing Requirement (PCT/DO/EO/905).

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/516,317		PCT/JP03/07336			

23 <input type="checkbox"/> The following fees are submitted: Basic national fee..... <b>300.00</b>	CALCULATIONS	PTO USE ONLY
	\$ 0.00	
24 <input type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4)..... <b>100.00</b> All other situations..... <b>200.00</b>	\$ 0.00	
25 <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>100.00</b> International Search Report prepared and provided to the Office..... <b>400.00</b> All other situations..... <b>500.00</b>	\$ 0.00	
<b>TOTAL 23, 24 and 25 =</b>		\$ 0.00
<input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
-100=	/50 =	x \$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$130.00
Claims	Number Filed	Number Extra
Total Claims	18 - 20 =	0
Independent Claims	2 - 3 =	0
Multiple Dependent Claim(s) (if applicable)		+ \$360.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$ 0.00
<b>SUBTOTAL =</b>		\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)).		\$ 0.00
Extension of Time fee in the amount of \$		\$ 0.00
<b>TOTAL NATIONAL FEE =</b>		\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$ 0.00
<b>TOTAL FEES ENCLOSED =</b>		\$130.00
		Amount to be refunded \$
		Charged \$

a. ☒ A check in the amount of \$130.00 to cover the above fees is included.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.

c. ☒ The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089.

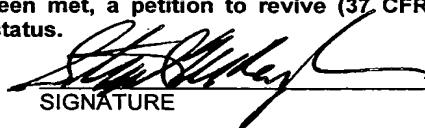
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055  
AT THE PRESENT ADDRESS OF:

Bruce H. Bernstein  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clark Place  
Reston, VA 20191  
(703) 716-1191

**Stephen M. Royance**  
**Reg. No. 31,296**

  
SIGNATURE

Bruce H. Bernstein  
NAME

29,027  
REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Atsushi MIYAWAKI et al.

**Mail Stop PCT**

Appl. No: : 10/516,317 (National Stage of PCT/JP03/07336)

I. A. Filed : June 10, 2003

For : CHROMOPROTEIN

**COVER LETTER**

**Mail Stop PCT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PCT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In order to comply with the requirements (copy enclosed) for the submission of an executed Declaration set forth in the Notification mailed July 26, 2005 which sets a two-month period of response until September 26, 2005, Applicants hereby submit:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- an executed Declaration and Power of Attorney;
- a Response to Notification of Missing Requirements and Supplemental Preliminary Amendment;
- a Statement that the Content of Paper and Computer Readable Copies are the Same.
- a diskette containing sequence listing with paper copy/written of the same (18 pages); and

- a check in the amount of \$130.00 to cover the surcharge for late filing of the Declaration.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below-listed number.

Respectfully submitted,  
Atsushi MIYAWAKI et al.



Bruce H. Bernstein  
Reg. No. 29,027

Stephen M. Roylance  
Reg. No. 31,296

September 13, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,317	Atsushi Miyawaki	P26359

INTERNATIONAL APPLICATION NO.
PCT/JP03/07336

7055  
 GREENBLUM & BERNSTEIN, P.L.C.  
 1950 ROLAND CLARKE PLACE  
 RESTON, VA 20191

**RECEIVED**

JUL 28 2005

GREENBLUM &amp; BERNSTEIN PLC

IA. FILING DATE	PRIORITY DATE
06/10/2003	06/10/2002

**CONFIRMATION NO. 5682****371 FORMALITIES LETTER**

\*OC000000016490212\*

Date Mailed: 07/26/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/10/2004
- English Translation of the IA filed on 12/10/2004
- Copy of the International Search Report filed on 12/10/2004
- Copy of IPE Report filed on 12/10/2004
- Preliminary Amendments filed on 12/10/2004
- Oath or Declaration filed on 12/10/2004
- Request for Immediate Examination filed on 12/10/2004
- U.S. Basic National Fees filed on 12/10/2004
- Priority Documents filed on 12/10/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Late oath or declaration Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.

10/516,317

INTERNATIONAL APPLICATION NO.

PCT/JP03/07336

ATTY. DOCKET NO.

P26359

FORM PCT/DO/EO/905 (371 Formalities Notice)